

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF OHIO

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	ACME Hospitality, LLC	
2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names		
3. Debtor's federal Employer Identification Number (EIN)	82-2645533	
4. Debtor's address	Principal place of business 4641 Beat Road Litchfield, OH 44253 Number, Street, City, State & ZIP Code Medina County	Mailing address, if different from principal place of business P.O. Box, Number, Street, City, State & ZIP Code Location of principal assets, if different from principal place of business 700 Medina Street Lodi, OH 44254 Number, Street, City, State & ZIP Code
5. Debtor's website (URL)	https://moxiesgrille.com/	
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify:	

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))  
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
☐ Railroad (as defined in 11 U.S.C. § 101(44))  
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))  
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))  
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))  
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)  
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)  
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

5812

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7  
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.  
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor? ☒ No ☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor Relationship  
District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

11. Why is the case filed in this district? Check all that apply:
- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? ☒ No ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.
- Why does the property need immediate attention? (Check all that apply.)**
- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.  
What is the hazard? \_\_\_\_\_
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other \_\_\_\_\_
- Where is the property?** \_\_\_\_\_  
Number, Street, City, State & ZIP Code
- Is the property insured?**
- ☐ No
- ☐ Yes. Insurance agency \_\_\_\_\_  
Contact name \_\_\_\_\_  
Phone \_\_\_\_\_

#### Statistical and administrative information

13. Debtor's estimation of available funds Check one:
- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000   | <input type="checkbox"/> 25,001-50,000     |
| <input type="checkbox"/> 50-99           | <input type="checkbox"/> 5001-10,000   | <input type="checkbox"/> 50,001-100,000    |
| <input type="checkbox"/> 100-199         | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999         |  |  |

15. Estimated Assets
- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> \$0 - \$50,000 | <input type="checkbox"/> \$1,000,001 - \$10 million    | <input type="checkbox"/> \$500,000,001 - \$1 billion     |
| <input type="checkbox"/> \$50,001 - \$100,000      | <input type="checkbox"/> \$10,000,001 - \$50 million   | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000     | <input type="checkbox"/> \$50,000,001 - \$100 million  | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million   | <input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> More than \$50 billion          |

16. Estimated liabilities ☐ \$0 - \$50,000 ☒ \$1,000,001 - \$10 million ☐ \$500,000,001 - \$1 billion

Debtor

ACME Hospitality, LLC

Case number (if known)

Name

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2024  
MM / DD / YYYY

**X** /s/ Jerad Miller  
Signature of authorized representative of debtor  
  
Title Sole Member

Jerad Miller  
Printed name

**18. Signature of attorney**

**X** /s/ Steven J. Heimberger  
Signature of attorney for debtor

Date January 22, 2024  
MM / DD / YYYY

Steven J. Heimberger 0084618  
Printed name

Roderick Linton Belfance LLP  
Firm name

50 South Main Street, 10th Floor  
Akron, OH 44308  
Number, Street, City, State & ZIP Code

Contact phone 330-434-3000 Email address sheimberger@rlblp.com

0084618 OH  
Bar number and State

**Fill in this information to identify the case:**

Debtor name ACME Hospitality, LLC  
 United States Bankruptcy Court for the: NORTHERN DISTRICT OF OHIO  
 Case number (if known): \_\_\_\_\_

☐ Check if this is an  
 amended filing

**Official Form 204**
**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**
12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
American Express P.O. Box 981535 El Paso, TX 79998		Credit Card				\$4,238.61
Bitty Advance 1855 Griffin Road A-474 Dania, FL 33004		Future receivables		\$32,009.00	\$0.00	\$32,009.00
Biz2Credit dba Itria Ventures 1 Penn Plaza, 31st Floor New York, NY 10119		Loan advance based upon Debtor's right to receive Employee Retention Credit				\$180,000.00
Bizfund 2371 McDonald Avenue, 2nd Fl Brooklyn, NY 11223		Blanket lien on all assets of Debtor		\$39,050.00	\$50,000.00	\$39,050.00
BMW Financial Services P.O. Box 3608 Dublin, OH 43016		BMW X1 SUV		\$23,130.12	\$17,878.00	\$5,252.12
Capital One PO Box 105474 Atlanta, GA 30348		Credit Card				\$588.72
Celtic Bank (Bluevine) 268 South State Street Suite 300 Salt Lake City, UT 84111		Blanket lien on all assets of Debtor		\$46,732.02	\$50,000.00	\$46,732.02
Cloudfund dba Max Recovery 400 Rella Boulevard Suite 165-1101 Suffern, NY 10901		Blanket lien on all assets of Debtor		\$42,971.00	\$50,000.00	\$42,971.00
Columbia Gas of Ohio P.O. Box 117 Columbus, OH 43216		Utilities				\$1,934.55

Debtor ACME Hospitality, LLC  
Name

Case number (if known) \_\_\_\_\_

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Creative Colors LLC 17413 Woodford Avenue Lakewood, OH 44107		Remodeling/construction services				\$16,800.00
East Hudson Capital LLC dba Global Capital Experts 27-01 Queens Plaza North Suite 802 Long Island City, NY 11101		Blanket lien on all assets of Debtor		\$136,334.00	\$50,000.00	\$136,334.00
First National Bank of Omaha P.O. Box 2818 Omaha, NE 68103		Credit Card				\$8,551.14
Huntington National Bank 5555 Cleveland Avenue - GW1W37 Columbus, OH 43229		Blanket lien on all assets of Debtor		\$47,542.30	\$50,000.00	\$47,542.30
Innovation Refunds, LLC 4350 Westown Parkway, Suite 300 West Des Moines, IA 50266		Assistance filing for Employee Retention Tax Credit (25% contingency fee)				\$55,491.33
JP Morgan Chase, N.A. Mail Code LA4-7100 700 Kansas Lane Monroe, LA 71203		Credit card				\$4,581.83
Ohio Edison 76 South Main Street A-RPC Akron, OH 44308		Utilities				\$535.27
OnDeck Capital LLC 4700 W. Daybreak Parkway, Suite 200 South Jordan, UT 84009		Blanket lien on all assets of Debtor		\$111,338.59	\$50,000.00	\$111,338.59
U.S. Small Business Administration 2 North Street, Suite 320 Birmingham, AL 35203		Blanket lien on all assets of debtor		\$765,282.79	\$50,000.00	\$761,708.27

American Express  
P.O. Box 981535  
El Paso, TX 79998

Attorney General of the U.S.  
Main Justice Bldg.  
10th & Constitution Avenue, N.W.  
Washington, DC 20530

Attorney General of the U.S.  
U.S. D.O.J. Tax Division  
Civil Trial Section, N.Region  
P.O. Box 55, Ben Franklin Station  
Washington, DC 20044

Bitty Advance  
1855 Griffin Road  
A-474  
Dania, FL 33004

Biz2Credit  
dba Itria Ventures  
1 Penn Plaza, 31st Floor  
New York, NY 10119

Bizfund  
2371 McDonald Avenue, 2nd Fl  
Brooklyn, NY 11223

BMW Financial Services  
P.O. Box 3608  
Dublin, OH 43016

Capital One  
PO Box 105474  
Atlanta, GA 30348

Celtic Bank (Bluevine)  
268 South State Street  
Suite 300  
Salt Lake City, UT 84111



Cloudfund  
dba Max Recovery  
400 Rella Boulevard  
Suite 165-1101  
Suffern, NY 10901

Columbia Gas of Ohio  
P.O. Box 117  
Columbus, OH 43216

Creative Colors LLC  
17413 Woodford Avenue  
Lakewood, OH 44107

East Hudson Capital LLC  
dba Global Capital Experts  
27-01 Queens Plaza North  
Suite 802  
Long Island City, NY 11101

First National Bank of Omaha  
P.O. Box 2818  
Omaha, NE 68103

Huntington National Bank  
5555 Cleveland Avenue - GW1W37  
Columbus, OH 43229

Innovation Refunds, LLC  
4350 Westown Parkway, Suite 300  
West Des Moines, IA 50266

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Internal Revenue Service  
Insolvency Group 6  
1240 East Ninth Street  
Room 493  
Cleveland, OH 44199

JP Morgan Chase, N.A.  
Mail Code LA4-7100  
700 Kansas Lane  
Monroe, LA 71203

Ohio Attorney General  
Collection Enforcement Section  
Attn: Bankruptcy Unit  
30 E. Broad Street, 14th Floor  
Columbus, OH 43215

Ohio Department of Taxation  
P.O. Box 530  
Columbus, OH 43216-0530

Ohio Edison  
76 South Main Street  
A-RPC  
Akron, OH 44308

OnDeck Capital LLC  
4700 W. Daybreak Parkway, Suite 200  
South Jordan, UT 84009

SBA, District Counsel  
Small Business Administration  
1350 Euclid Avenue, Suite 211  
Cleveland, OH 44115

U.S. Small Business Administration  
2 North Street, Suite 320  
Birmingham, AL 35203

United States Attorney  
Northern District of Ohio  
801 Superior Avenue, Suite 400  
Cleveland, OH 44113-1852

**United States Bankruptcy Court  
Northern District of Ohio**

In re ACME Hospitality, LLC

Debtor(s)

Case No.

Chapter

11

**CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)**

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for ACME Hospitality, LLC in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

January 22, 2024

Date

/s/ Steven J. Heimberger

Steven J. Heimberger 0084618

Signature of Attorney or Litigant  
Counsel for ACME Hospitality, LLC

Roderick Linton Belfance LLP

50 South Main Street, 10th Floor

Akron, OH 44308

330-434-3000 Fax: 330-434-9220

sheimberger@rlblp.com